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April 4, 2023  
VIA ECF

The Honorable Valerie Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

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**MEMO ENDORSED**

**Re: Nike, Inc. v. StockX LLC, No. 22 CV 00983 (VEC) (S.D.N.Y.)**

**Dear Judge Caproni:**

Pursuant to the Your Honor's Individual Rule 5(B)(ii), plaintiff Nike, Inc. ("Nike") and defendant StockX LLC ("StockX," and together with Nike, the "Parties") respectfully submit this joint letter requesting the sealed treatment of Nike's Objection to Magistrate Judge Netburn's March 23, 2023 Order Denying Nike's Motion to Compel (the "Objection.>").

Nike's Objection sets forth the factual and legal basis for Nike's Fed. R. Civ. Proc. 72(a) objection to Magistrate Judge Netburn's March 23, 2023 Order denying Nike's Letter-Motion to compel (Dkt. No. 148). Nike's Objection references material that Parties have designated as "HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY" or "HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY" pursuant to the July 14, 2022 Stipulated Protective Order entered in this case (Dkt. No. 52). Magistrate Judge Netburn previously granted both Parties' requests to seal Nike's Letter-Motion (Dkt. No. 134) and StockX's response thereto (Dkt. No. 137), which referenced the same material that underlies Nike's Objection (Dkt. Nos. 139 and 145).

Sealed treatment of Nike's Objection is appropriate in light of *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006). "[C]ourts in this District routinely seal documents to prevent the disclosure of a party's confidential or competitively sensitive business information." *Regeneron Pharms., Inc. v. Novartis Pharma AG*, 2021 WL 243943, at \*1 (S.D.N.Y. Jan. 25, 2021) (collecting cases). The proposed redactions to Nike's Objection have been applied judiciously and are narrowly tailored to shield only information designated by the Parties under the Stipulated Protective Order as containing highly confidential "anticounterfeiting and brand protection measures, including methods used to identify counterfeit, grey market, and/or other unauthorized goods" or other similarly commercially sensitive material (Dkt. No. 52).

As such, Nike is filing portions of its Objection under seal pursuant to Paragraph 14 of the Protective Order and respectfully requesting that the Court approve appropriate redactions for material in the Objection that is covered by the Parties' claims of confidentiality. StockX consents to Nike's motion to the extent it seeks sealed treatment of material designed under the Stipulated



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Protective Order. However, as Nike did not identify to StockX prior to filing the particular information it does and does not plan to seal, StockX reserves all rights in connection with the substance of Nike's sealing request.

Respectfully submitted,

/s/ Tamar Y. Duvdevani  
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StockX's response to Nike's objection is due on **April 12, 2023**. The parties should be prepared to discuss Nike's proposed redactions at the post-fact discovery status conference scheduled for **April 7, 2023, at 10:00 A.M.**

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

04/05/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE